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# Before The Federal Communications Commission Washington, D.C. 20554 DOCKET FILE COPY ORIGINAL

In the Matter of	)	MM Docket No. 96-249	RECEIVED
Amendment of Section 73.2	02(b) )		/ADD -
Table of Allotments	)	RM No. 8926	APR 3 0 1997
FM Broadcast Station	)	RM No. 9068	PEDERAL COMMINUS
(St. Maries, Idaho)	)		OFFICE OF STORMS COMMISSON
	)		FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SECRETARY

To: John A. Karousos, Chief Allocations Branch Mass Media Bureau

## Supplement To Reply Comments To Counterproposal

Pentacle Investments Inc. (Pentacle), by and through its undersigned counsel, files this supplement to its timely "Reply Comments To Counterproposal" filed April 25, 1997, in response to the Commission's April 10, 1997 Public Notice, Report No. 2186.

- 1. In its above-referenced "Reply Comments to Counterproposal", at paragraph 5, Pentacle declared that it would have Frank Janda prepare and file a statement under penalty of perjury confirming that land was not available for rent, purchase or lease at the reference point proposed by Spokane Public Radio Inc (SPR) for allocation of Channel 278A in lieu of Pentacle's requested allocation of Channel 221A at St. Maries, Idaho.
- 2. Attached hereto is that "Declaration Under Penalty of Perjury" establishing that the reference point land is owned by Inland Empire Paper Company (and not by Potlatch Corporation as Pentacle originally had thought), and, that in response to Mr. Janda's inquiry, Inland Empire Paper Company's John A. Hay has declared that the reference point land is not available for lease or purchase.

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- 3. Thus, as previously established by Pentacle, in this Docket, not only is the reference pont land inaccessible and without nearby electric power, but it is not available for lease or purchase.
- 4. Pentacle requests a waiver of the Commission's Rules, to the extent necessary, to accept and consider this Supplement, for such will serve the public interest.

Respectfully Submitted

Pentacle Investment Inc.

Leonard S. Joyce

Its Counsel

Law Offices of Leonard S. Joyce 5335 Wisconsin Avenue Suite 400 Washington, D.C. 20015

April 30, 1997

## Declaration Under Penalty of Perjury

I, Frank Janda, the Vice President, Director and 40% stockholder of Pentacle Broadcasting Inc. (Pentacle Investments Inc. is a 30% stockholder of Pentacle Broadcasting Inc.) make the following statement under penalty of perjury.

On April 25, 1997, I spoke with Pentacle's communications counsel, :Leonard S. Joyce, concerning my previous meeting with a representative of the Idaho Department of Lands. I confirmed that, in that meeting, we identified the site proposed by Spokane Public Radio Inc for an operation of an FM station to serve St. Maries, Idaho on Channel 278A, and that the representative told me that that land would not be available for rent, lease or purchase. Mr. Joyce, in that April 25, 1997 conversation, requested that we talk again Monday, April 28, 1997 and that I then prepare a statement concerning my previous meeting with the Idaho Department of Lands.

I spoke with Mr. Joyce the morning of April 28, 1997. In that conversation he indicated that Spokane Public Radio Inc claimed that the land in question was owned by Inland Empire Paper Company. I told Mr. Joyce that in my above-referenced meeting with the Idaho Department of Lands we determined the land was owned by the Potlatch Corporation. Mr. Joyce gave me the coordinates of the exact location, NL 47-16-56; WL 116-28-47, and requested that I determine who owned the land at that exact location. I immediately met with John Howe, the owner of Howe and Associates, a Land Survey Company, who confirmed that the land at those coordinates was owned by Inland Empire Paper Company and that the spot I previously discussed with the Idaho Department of Lands was about 1,000 feet away and was owned by the Potlatch Corporation. Mr. Howe gave me the legal description of the land for those coordinates, and, later that day I spoke with, and Faxd a letter to, John A. Hay, a Land Agent for Inland Empire Paper Company inquiring whether or not that land was available for lease or purchase. That same day he responded by letter that such land was not available for lease or purchase. The original of my letter to Mr. Hay and the original of his letter response is attached hereto.

April 29, 1997

trank Janda

# KOFE RADIO P.O.BOX 278 ST. MARIES, ID

Mr. John Hay Inland Empire Paper Co. 3320 Argonne Spokane, Wash. 99223

Dear Mr. Hay

In reference to your property located in Benewah County, State of Idaho identified as being the nothwest quarter of the northeast corner of section five, township 45 north, range 1 west.

It is our request that you consider either leasing or selling approximately five acres of your section to us for the purpose of developing a radio station broadcast facility to service the community of St. Maries, Idaho.

Time is of the essence in this request and your immediate attention would be greatly appreciated.

Sincerely,

Frank Janda KOFE Radio

St. Maries, Id.

208-245-1240 office

208-245-6525 fax



# INLAND EMPIRE PAPER COMPANY

PHONE 509/924-1911 FAX 509/927-8461

3920 N. ARGONNE SPOKANE, WASHINGTON 99212-2099

April 28, 1997

Frank Janda KOFE Radio P.O. Box 278 St. Maries, ID 83861

Dear Mr. Janda:

Inland Empire Paper Company has received your request to lease or purchase five acres of our land in the NW¼ NE¼ Section 5, T45N, R1W, for the purpose of developing a radio station broadcast facility.

We manage our lands for present and future timber production. It seems like a broadcast facility in this location would hinder our management of this and adjacent lands. We do not sell timberland, so that is not an option.

Based on our present management plans, we are not interested in leasing or selling you the five acres you requested.

Good luck in finding an alternate site.

Sincerely,

John A. Hay Land Agent

#### **Certificate of Service**

I Snowdeen Dove, a secretary in the Law Offices of Leonard S. Joyce, do hereby certify that the foregoing **Supplement to Reply Comments To Counterproposal** was served this 30th Day of April, 1997, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

Ms. Nancy Joyner
Federal Communications Commission
Policy and Rules Division
Mass Media Bureau
2020 M Street, N.W.
Room 8314
Washington, D.C. 20554

Mr .Richard Kunkel, President and General Manager KPBX-FM 2319 North Monroe Street Spokane, WA 99205-4586

Douglas Siddoway, Esq. Randall & Danskin P.S. 1500 Seafirst Financial Center 601 West Riverside Avenue Spokane, Washington, 99201-0653

Peter Gutmann, Esq. Pepper and Corazzini LLP 1776 K Street NW Suite 200 Washington, D.C. 20006

David Tillotson, Esq. 4606 Charleston Terrace N.W. Washington, D.C. 20007

Snowdeen Dove